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November 23, 2010

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VIA FACSIMILE

The Honorable Esther Salas
United States Magistrate Judge
Martin Luther King Courthouse
50 Walnut Street, Room 2060
Newark, NJ 07101

Re: ***Baier v. Princeton Office Park, L.P., et al.***
Case No. 08-5296 (PGS)

Dear Magistrate Judge Salas:

The purpose of this letter is to request a short extension of time to respond to the Defendants' Cross Motion for Summary Judgment. Mr. Baier asks that we have until December 1, 2010 to file a response.

As the Court will recall, at the mediation of this case Your Honor set a briefing schedule for Baier's expected motion for summary judgment. Baier was to file his motion on October 27, 2010. The Defendants were to file their opposition on November 17, 2010, and Baier's reply would be due on November 24, 2010. By request of the parties, the Court agreed to move the motion and opposition deadlines by two days, October 29, 2010 and November 19, 2010.

On November 19, 2010, however, in addition to filing their opposition for partial summary judgment, the Defendants also filed a Cross-Motion for Summary Judgment (though they did so without leave of this Court). the Defendants also applied for a December 6, 2010 hearing date for their cross-motion. In their cross-motion, the Defendants raised for the first time the allegation that Baier has failed to prove damages. In fairness, Baier should be allowed adequate time to analyze and respond to that issue. In addition, Lawrence Berger's Affidavit in Opposition to our motion, as filed, is missing at least some of its content. The affidavit cuts off in the middle of paragraph 30. We would like an adequate opportunity to obtain, review, and respond to that affidavit, as well.

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Accordingly, Mr. Baier respectfully requests that he be given a short extension in which to file his reply brief and opposition to the Defendants' cross-motion for summary judgment. Given that the Thanksgiving holidays occur later this week, the Defendants request an extension to Wednesday, December 1, 2010.

If there is anything further the Court requires in connection with this request, we will be happy to provide it.

Respectfully,
Kilpatrick Stockton LLP

By: Carl Salisbury
Carl Salisbury

cc: William Pinilis, Esq. (via email)
David Shouvin, Esq. (via email)

For Order:
Erin Salas, USMJ
11/24/10